Declaration of Conditions, Covenants and Restrictions
For Murray's Addition
In the County of Yamhill, State of Oregon
To Include Lots: 1 through 5

Declaration of Restrictions, Conditions and Covenants is applicable to Murray's Addition.

Whereas, Pacific Construction, Inc., hereinafter referred to as the declarant, is owner of certain real property located in Yamhill County, in the state of Oregon, known as Murray's Addition, a duly recorded plat in Instrument No. 200605193.

Whereas, the declarant is desirous to declare of public record its intentions to create certain restrictive conditions and covenants to this ownership of said property:

Now, therefore, the declarant does hereby certify and declare that the following restrictions, conditions and covenants shall become and are hereby made a part of all conveyances of lots within the plat of Murray's Addition recorded in microfilm records of Yamhill County, Oregon. And that the following restrictions, conditions and covenants shall by reference become a part of any such conveyances and shall apply thereto as fully and with the same effect as if set forth at large therein.

1. **LAND USE AND BUILDING TYPE**: All lots shall be used for residential purposes only. Any owner may erect a structure to house garden equipment and personal property if said structure does not detract from the residential community. The floor area of the main structure, exclusive of one story open porches and garages, shall be not less than 1,300 square feet for each residential dwelling. No manufactured homes (mobile homes) shall be permitted. All buildings constructed shall conform to existing city of Yamhill and Yamhill County building and zoning codes.

2. **ANIMALS**: No animals, including poultry, shall be raised or kept on any lot, except that dogs, cats or other household pets may be kept, provided they are not raised or kept for commercial purposes and are not permitted to cause damage or discomfort to neighbors.

3. **FENCES**: All fences shall not detract from the appearance of the dwelling house located upon the lot or detract from the appearance of the dwelling house located on adjacent lots. Fences shall not exceed six (6) feet in height. No fence shall be forward of the front building line of the house and must be of new wood material or an approved material, including chain link with slats.

4. **ARCHITECTURAL CONTROL**: No building shall be erected, placed, altered, painted, or repainted on any lot until the construction, plans and specifications, colors and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer than the building setback line unless similarly approved.

Page 1 of 3 Conditions, Covenants & Restrictions for Murray's Addition

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200605194

$36.00

0228113200600051940030035

03/10/2006 10:33:40 AM

PR-CRPR Cnt=1 Stn=2 ANITA

$15.00 $10.00 $11.00

1/3
5. **STREET TREES AND LANDSCAPING:** Each builder shall landscape the front yard and plant street trees before occupancy as required by the governing body having jurisdiction. Side and rear yard landscaping must be completed within six (6) months of the occupancy of the dwelling. In the event of undue hardship due to weather conditions, this provision may be extended for a reasonable time, but only after a written application is made to the Architectural Control Committee and the Committee’s approval is obtained. A minimum of one (1) street tree must be maintained by the homeowner on each lot. All trees, shrubs, grass and other landscaping items must be maintained so that it does not impact the beautification of other homes of Murray’s Addition. Architectural Control Committee will determine the tree species.

6. **PARKING:** No recreational vehicles, trailers or boats shall be stored or parked forward of the front building line or in the street right-of-way of each home for more than 72 hours. Storage for said vehicles for any period longer than 72 hours shall be screened from public view and shall be fenced on all sides. No owner shall permit any vehicle that is in an extreme state of disrepair to be abandoned or to remain parked upon any lot or on the open space or on any street for a period in excess of forty-eight (48) hours. A vehicle shall be deemed in an extreme state of disrepair when its presence offends the occupants of the neighborhood.

7. **NUISANCES:** No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done which may be or become a nuisance or an annoyance to the neighborhood.

8. **TEMPORARY STRUCTURES:** No structures of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporary or permanent other than by the builder during construction.

9. **EXTERIOR MATERIALS AND FINISHES:** Siding material shall be natural wood material, or have the appearance of natural wood, masonry brick, stone, or a combination of these. Manufactured wood siding is allowed. All roofing shall be 30-year or better Architectural Composition. Vertical grooved siding must be approved by the Architectural Control Committee.

10. **ANTENNAS AND SERVICE FACILITIES:** Exterior antennas shall not be permitted upon the roof of any structure on any lot. Clotheslines and other service facilities shall be screened so as not to be viewed from the street or other lots. Antenna satellite dishes larger than 24 inches in diameter are not allowed on any lot.

11. **RUBBISH AND TRASH:** No lot shall be used as a dumping ground for trash or rubbish of any kind. All garbage or other waste shall be kept in appropriate sanitary containers for proper disposal. All garbage, recyclable, and yard debris containers are to be screened from public view. Yard rakings and dirt resulting from landscaping work shall not be dumped onto streets or on any lots. Trash and garbage, properly bagged or boxed, may be permitted at street curbs on the night before or on pickup days only.

12. **HEATING AND AIR CONDITIONING:** Exterior air conditioning or heating units of heat pump design shall be approved by the Architectural Control Committee subject to location on the lot. Window mounted air conditioners shall not be allowed.

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14. **ENFORCEMENT**: Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of these covenants, either to restrain violation or to recover damages.

15. **SEVERABILITY**: Invalidation of any one of these covenants by judgment of court order shall in no way effect any of the other covenants, which shall remain in full force and effect.

16. **SIGNS**: No signs shall be erected or maintained on any lot except not more than one "For Sale" sign placed by the Owner, Declarants or by a licensed real estate agent, not exceeding seven (7) square feet, may be temporarily displayed on any lot, provided the same shall not be a violation of the controlling governmental sign ordinances. Builder's project signs do not fall under the square footage limitation. "For Rent" signs are not permitted.

17. **GARAGE SALES**: No garage, yard, or other sale is permitted for more than seven (7) consecutive days, and shall not occur for more than a total of 2 weeks out of any calendar year.

18. **TERM**: These covenants are to run with the land and shall be binding on all parties claiming under them for a period of 20 years from the date they are recorded, after which time they shall be automatically extended for successive periods of ten years. These covenants can be terminated and revoked or amended only by duly recording an instrument which contains an agreement providing for termination and revocation or amendment, and which is signed by the owners of 4 or more of the platted lots.

IN WITNESS WHEREOF, the undersigned has caused this Declaration to be executed as of this date February 3, 2006.

Pacific Construction, Inc.

By: [signature] Douglas C. Harnar, President

STATE OF OREGON

COUNTY OF Yamhill

Personally appeared before me on the 3rd day of February, 2006, the above named Douglas C. Harnar, whom did say that he is President of Pacific Construction, Inc. an Oregon Corporation, and that he executed the foregoing as its voluntary act and deed.

[Notary Public Seal]

MY COMMISSION EXPIRES: July 18, 2007

Page 3 of 3 Conditions, Covenants & Restrictions for Murray's Addition
MURRAY'S ADDITION
Located in the Alfred J. Burton Land Claim No. 78
Northwest Quarter of the Northeast Quarter of Section 4
Township 3 South, Range 4 West of the Willamette Meridian
City of Yamhill, Yamhill County, Oregon
20 December 2005
City of Yamhill Planning File 04–003

NARRATIVE:
The purpose of this survey is to prepare a subdivision plat. The boundary is based on Yamhill County Survey No. 12016 by Leonard A. Rydell, P.L.S. 1437, which should be referred to when working in this area.

The survey was performed using a Trimble 5803 Robotic Total Station with a stated angular accuracy of 3" and a distance accuracy of ±3mm ± 3ppm and a central network established by the boundary survey. Monuments were set from a central traverse established by the boundary survey. Corners were radially set using a range pole from traverse points. Corner numbers refer to point numbers used for calculation and staking.

NOTES:
1. This subdivision is subject to the Conditions of Approval per Case File 04–003, City of Yamhill.
2. Common improvements referred to in the Declaration include public water, sanitary sewer, street and storm drainage improvements located in public right-of-ways or public easements.
3. Tract A is to be conveyed to the Yamhill-Carlton School District No. 1 as part of the recording of this plat, and is to be conveyed with Parcel 2 of Partition 2005–23.
4. Tract B is to be conveyed to Evelyn Enger as part of the recording of this plat, and is to be conveyed with Lot 4, Block E of "ZIMMERMAN'S ADDITION." 
5. Tract B shall be subject to a sanitary sewer easement to the City of Yamhill over its entirety.

CORNER NOTES:
7. Found 5/8" smooth iron rod 0.55' deep, 0.81" Southeast of 1" diameter wood fence corner post, no cap, appears undisturbed, shown by plot of "ZIMMERMAN'S ADDITION" but may have been set by COOT as part of property acquisition.
8. Found 5/8" iron rod with yellow plastic cap marked "RYDELL PLS 1437" flush with surface, set by Survey 2010.
9. Found 5/8" iron rod, 0.65' deep, 0.65' Northeast of Northeast edge of 0.81 diameter wood fence post at North end of作文写木 fence, no cap, appears undisturbed, no record of survey, but may have been set by COOT as part of the property acquisition.
10. Found 3/4" rusted iron pipe, 0.25' deep, appears undisturbed, no cap, set by plot of "ZIMMERMAN'S ADDITION." 
11. Found rusted 1" iron pipe, 0.65' deep in tall grass, no cap, appears undisturbed, set by plot of "ZIMMERMAN'S ADDITION." 
12. Found 5/8" rusted iron rod, appears undisturbed, no cap, 0.15' deep in tall grass, set by Survey CSP–535.
20. 3/4" rusted iron pipe set by plot of "ZIMMERMAN'S ADDITION" removed by sewer construction. Set new 5/8" by 30' rebar with yellow plastic cap marked "RYDELL PLS 1437" at calculated corner, not original position.
22. 1/2" wet rusted iron pipe is 1.10' deep as found in 1992, but is now under the roots of a small maple tree, set by plot of "ZIMMERMAN'S ADDITION." 
29. Found 5/8" iron pipe, no cap, appears undisturbed, 0.25' high in bushes, set by Survey CSP–5619.
44. Found 5/8" iron rod with yellow plastic cap marked "RYDELL PLS 1437." 
49. Found rusted 1" iron pipe set by plot of "ZIMMERMAN'S ADDITION." 
68. Found 5/8" iron rod, 0.20' deep in pavement with yellow plastic cap marked over top of rebar set by Survey P–7814. Also found 0.3' long by 2/8" trenched round topped bolt laying in hole beside rebar.
79. Found 5/8" iron rebar with yellow plastic cap marked "RYDELL PLS 1437" flush with surface, appears undisturbed, set by Survey 2010.
81. Found rusted ring at 1.65' deep, set in center and tied to, original rebar set by plot of "ZIMMERMAN'S ADDITION." Set new 5/8" by 30' rebar with yellow plastic cap marked "RYDELL PLS 1437" at calculated corner, not original position.
82. 1/2" broken iron pipe originally set by plot of "ZIMMERMAN'S ADDITION" removed by sewer construction. Set new 5/8" by 30' rebar with yellow plastic cap marked "RYDELL PLS 1437." 
83. Found 5/8" rusted iron pipe originally set by Survey CSP–5619 and straightened by County Survey 2010, 0.2' high, appears undisturbed. Set new 5/8" by 30' rebar with yellow plastic cap marked "RYDELL PLS 1437" at calculated corner.
104. Found 5/8" iron rod with yellow plastic cap marked "RYDELL PLS 1437" flush with surface, appears undisturbed, set by Survey 2010.
111. Found 1/2" rusted iron pipe at the Southeast corner of Lot 2, Block B, bears and bent to Northeast, 0.6' deep, no cap, set by plot of "ZIMMERMAN'S ADDITION," location not found.
116. Found 5/8" iron rebar, no cap, 0.45' deep in isen, bent to Southeast at 0.35' from top, dug around rebar but found ground hollow at 1.0' deep and rebar not straight and loosely set, tied rebar at 1.5' deep, but rebar leaves Estonia, set by Survey CSP–5630.
MURRAY’S ADDITION
Located in the Alfred Job Donation Land Claim No. 78, Northwest Quarter of the Northeast Quarter of Section 4, Township 3 South, Range 4 West of the Willamette Meridian, City of Yamhill, Yamhill County, Oregon
20 December 2005
City of Yamhill Planning File 04-003

DECLARATION:
KNOW ALL MEN BY THESE PRESENTS that the Pacific Construction, Inc., an Oregon Corporation, Douglas C. Horner, President, being the owner of the land represented on the attached subdivision plat located in a portion of Lot 7 of the Estate of J. J. Burton and located in the Alfred Job Donation Land Claim No. 78, a part of Lot 4 and the East Half of Lot 3 of Block D and Lot 2 of Block E of "MURRAY’S ADDITION" and the strip of land located in Lot 7 of the Estate of J. J. Burton East of "MURRAY’S ADDITION", a subdivision recorded 5 April 1930 in Volume 5, Page 57, Yamhill County Plat Records, and located in the Northeast Quarter of Section 4, Township 3 South, Range 4 West of the Willamette Meridian, City of Yamhill, Yamhill County, Oregon, being more particularly described as on Yamhill County Survey Record 13206 by Leonard A. Rydel, Professional Land Surveyor No. 1437, as follows:

Beginning at the initial point, a 5/8-inch iron rebar at the Southwest corner of Lot 2, Block E of said "MURRAY’S ADDITION", thence North 00° 00’ 00” West 99.94 feet along the West line of said Lot 2 to the Northeast corner of said Lot 2, Block E; thence South 89° 59’ 59” East 160.09 feet along the Northwest line of said Lot 2, Block E; thence North 00° 00’ 00” East 24” East 60.00 feet along the East line of said "MURRAY’S ADDITION" to the Northeast corner of Lot 4, Block D of said "MURRAY’S ADDITION", thence North 89° 50’ 56” West 239.94 feet along the South line of said Block D to a 5/8-inch iron rebar at the Southeast corner of said tract of land described in Film Volume 271, Page 2213, Yamhill County Deed Records; thence North 00° 00’ 32” South 99.94 feet along the West line of said Film Volume 271, Page 2213 to a 5/8-inch iron rebar at the Northeast corner of said Film Volume 271, Page 2213; said rebar being on the line of said North of Lot 3 of said Block D; thence North 89° 59’ 35” East 239.93 feet along the West line of said Lot 3 and Lot 4 of said Block D to the Northwest corner of said Lot 4, Block D at the East line of said "MURRAY’S ADDITION", thence North 00° 00’ 24” East 679.45 feet along the East line of said "MURRAY’S ADDITION" to an iron rod at the Southeast corner of the Oregon State Highway Maintenance Yard described in Volume 153, Page 459, Yamhill County Deed Records; thence North 00° 00’ 00” East 325.18 feet along the East line of said Maintenance Yard to a 5/8-inch iron rebar at the Northeast corner of said Maintenance Yard on the South right-of-way line of Oregon Highway 47; thence South 89° 54’ 54” East 5.92 feet along the South right-of-way line of said Oregon State Highway 47 to a 5/8-inch iron rebar on the East line of said Lot 7 of the Estate of J. J. Burton; thence South 00° 00’ 00” West 1359.79 feet along the East line of said Lot 7 of the J. J. Burton Estate to a 5/8-inch iron rebar on the North right-of-way line of Highway 47; thence South 00° 00’ 00” West 6.13 feet along the North right-of-way line of Highway 47 to a 5/8-inch iron rebar at the Southwest corner of said Lot 4, Block E, of said "MURRAY’S ADDITION"; thence North 89° 50’ 56” West 239.94 feet along the East line of said Lot 4, Block E to a 5/8-inch iron rebar at the Southeast corner of said Lot 2, Block E; thence North 89° 59’ 35” West 160.09 feet along the South line of said Lot 2, Block E to the Initial Point.

The tract containing 1.071 acres, more or less.

I hereby certify that the accompanying subdivision plat accurately depicts the above described tract, is drawn to scale and all points are monumented in accordance with Oregon Survey Law.

SURVEYOR’S CERTIFICATE:

Leonard A. Rydel, Registered Professional Land Surveyor, hereby certify that I have correctly surveyed and marked with proper monuments the land represented on the attached subdivision plat located in a portion of Lot 7 of the Estate of J. J. Burton and located in the Alfred Job Donation Land Claim No. 78, a part of Lot 4 and the East Half of Lot 3 of Block D and Lot 2 of Block E of "MURRAY’S ADDITION" and the strip of land located in Lot 7 of the Estate of J. J. Burton East of "MURRAY’S ADDITION", a subdivision recorded 5 April 1930 in Volume 5, Page 57, Yamhill County Plat Records, and located in the Northeast Quarter of Section 4, Township 3 South, Range 4 West of the Willamette Meridian, City of Yamhill, Yamhill County, Oregon, being more particularly described as on Yamhill County Survey Record 13206 by Leonard A. Rydel, Professional Land Surveyor No. 1437, as follows:

Beginning at the initial point, a 5/8-inch iron rebar at the Southwest corner of Lot 2, Block E of said "MURRAY’S ADDITION", thence North 00° 00’ 00” West 99.94 feet along the West line of said Lot 2 to the Northeast corner of said Lot 2, Block E; thence South 89° 59’ 59” East 160.09 feet along the Northwest line of said Lot 2, Block E; thence North 00° 00’ 00” East 24” East 60.00 feet along the East line of said "MURRAY’S ADDITION" to the Northeast corner of Lot 4, Block D of said "MURRAY’S ADDITION", thence North 89° 50’ 56” West 239.94 feet along the South line of said Block D to a 5/8-inch iron rebar at the Southeast corner of said tract of land described in Film Volume 271, Page 2213, Yamhill County Deed Records; thence North 00° 00’ 32” South 99.94 feet along the West line of said Film Volume 271, Page 2213 to a 5/8-inch iron rebar at the Northeast corner of said Film Volume 271, Page 2213; said rebar being on the line of said North of Lot 3 of said Block D; thence North 89° 59’ 35” East 239.93 feet along the West line of said Lot 3 and Lot 4 of said Block D to the Northwest corner of said Lot 4, Block D at the East line of said "MURRAY’S ADDITION", thence North 00° 00’ 24” East 679.45 feet along the East line of said "MURRAY’S ADDITION" to an iron rod at the Southeast corner of the Oregon State Highway Maintenance Yard described in Volume 153, Page 459, Yamhill County Deed Records; thence North 00° 00’ 00” East 325.18 feet along the East line of said Maintenance Yard to a 5/8-inch iron rebar at the Northeast corner of said Maintenance Yard on the South right-of-way line of Oregon Highway 47; thence South 89° 54’ 54” East 5.92 feet along the South right-of-way line of said Oregon State Highway 47 to a 5/8-inch iron rebar on the East line of said Lot 7 of the Estate of J. J. Burton; thence South 00° 00’ 00” West 1359.79 feet along the East line of said Lot 7 of the J. J. Burton Estate to a 5/8-inch iron rebar on the North right-of-way line of Highway 47; thence South 00° 00’ 00” West 6.13 feet along the North right-of-way line of Highway 47 to a 5/8-inch iron rebar at the Southwest corner of said Lot 4, Block E, of said "MURRAY’S ADDITION"; thence North 89° 50’ 56” West 239.94 feet along the East line of said Lot 4, Block E to a 5/8-inch iron rebar at the Southeast corner of said Lot 2, Block E; thence North 89° 59’ 35” West 160.09 feet along the South line of said Lot 2, Block E to the Initial Point.

Said tract containing 1.071 acres, more or less.

I hereby certify that the accompanying subdivision plat accurately depicts the above described tract, is drawn to scale and all points are monumented in accordance with Oregon Survey Law.

LEONARD A. RYDEL
Registered Professional Land Surveyor

SIGNATURE

City of Yamhill Approval:

Douglas C. Horner, President
Pacific Construction, Inc.

ACKNOWLEDGMENT:

State of Oregon
County of Yamhill

On this day personally appeared before me Douglas C. Horner, who being duly sworn, did say that he is the President of Pacific Construction, Inc., and that the above Declaration was signed an agent of Pacific Construction, Inc. by the authority of its Board of Directors, and Douglas C. Horner acknowledged the Declaration to be his voluntary act and deed.

IN WITNESS WHEREOF, I have set my hand this 29 day of February 2005.

Judy Watson
Notary Public

COMMISSION No. 5691563

YG COMMISSION EXPIRES July 15, 2007

CONSENT AFFIDAVIT:

A Subdivision Plat Consent Affidavit from LIBERTY BANC, a national bank, has been recorded in Deed No. 20020597, Yamhill County Deed Records.

RECORDING:

October 14, 2005

Yamhill County Surveyor

Yamhill County Commissioner

Yamhill County Assessor

Pursuant to O.R.S. 92.095, taxes have been paid or bond posted to the date of 01-01-2005.

Yamhill County Tax Collector

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